

2015 -- S 0576 SUBSTITUTE A

LC001112/SUB A/2

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

A N A C T

RELATING TO FOOD AND DRUGS - THE GOOD SAMARITAN OVERDOSE  
PREVENTION ACT

Introduced By: Senators McCaffrey, Nesselbush, Lombardi, and Walaska

Date Introduced: March 03, 2015

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 21-28.8-4 of the General Laws in Chapter 21-28.8 entitled "The  
2 Good Samaritan Overdose Prevention Act" is hereby amended to read as follows:

3 **21-28.8-4. Emergency overdose care -- Immunity from legal repercussions.** -- (a) Any  
4 person who, in good faith, without malice and in the absence of evidence of an intent to defraud  
5 seeks medical assistance for someone experiencing a drug overdose or other drug-related medical  
6 emergency shall not be charged or prosecuted for any crime ~~under RIGL 21-28 or 21-28.5, except~~  
7 ~~for a crime involving the manufacture or possession with the intent to manufacture a controlled~~  
8 ~~substance or possession with intent to deliver a controlled substance,~~ related to the possession or  
9 delivery of a controlled substance or drug paraphernalia, or the operation of a drug-involved  
10 premises, if the evidence for the charge was gained as a result of the seeking of medical  
11 assistance.

12 (b) A person who experiences a drug overdose or other drug-related medical emergency  
13 and is in need of medical assistance shall not be charged or prosecuted for any crime ~~under RIGL~~  
14 ~~21-28 or 21-28.5, except for a crime involving the manufacture or possession with the intent to~~  
15 ~~manufacture a controlled substance or possession with intent to deliver a controlled substance,~~  
16 related to the possession or delivery of a controlled substance or drug paraphernalia, or the  
17 operation of a drug-involved premises, if the evidence for the charge was gained as a result of the  
18 overdose and the need for medical assistance.

1           (c) The immunity related to the possession or delivery of a controlled substance or drug  
2 paraphernalia, or the operation of a drug-involved premises afforded under this section shall also  
3 extend to a violation of probation and/or parole on those grounds if the evidence for the violation  
4 was gained as a result of the seeking of medical assistance.

5           ~~(e)~~(d) The act of providing first aid or other medical assistance to someone who is  
6 experiencing a drug overdose or other drug-related medical emergency may be used as a  
7 mitigating factor in a criminal prosecution pursuant to the controlled substances act.

8           SECTION 2. Section 2 of Chapter 251 of the 2012 Public Laws entitled "An Act Relating  
9 to Food and Drugs - Good Samaritan Overdose Prevention Act" is hereby amended to read as  
10 follows:

11           Section 2. This act shall take effect upon passage and shall expire on July 1, 2017.

12           SECTION 3. Section 2 of Chapter 263 of the 2012 Public Laws entitled "An Act Relating  
13 to Food and Drugs - Good Samaritan Overdose Prevention Act" is hereby amended to read as  
14 follows:

15           Section 2. This act shall take effect upon passage and shall expire on July 1, 2017.

16           SECTION 4. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T  
RELATING TO FOOD AND DRUGS - THE GOOD SAMARITAN OVERDOSE  
PREVENTION ACT

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1           This act would broaden the immunity from prosecution for drug offenses afforded under  
2 the Good Samaritan Overdose Prevention Act to a person who in good faith seeks medical  
3 assistance for a person experiencing a drug overdose.

4           This act would also extend the sunset provision for the Good Samaritan Overdose  
5 Prevention Act, so that it would expire on July 1, 2017.

6           This act would take effect upon passage.

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